

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Zhang et al.

Examiner: Rhonda L. Murphy

Serial No: 10/035,846

Art Group: 2616

Filing Date: December 24, 2001

Docket No: 13166RRUS01U

Title: WALSH CODE MANAGEMENT IN A CODE DIVISION MULTIPLE
ACCESS CELLULAR WIRELESS COMMUNICATION SYSTEM

Date: November 4, 2008

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Sir:

Responsive to the Notification having a mailed date of October 24, 2008, enclosed is a replacement sheet for page 6, entitled "C. Status of the Claims," which has been amended to contain a statement of the status of all claims (cancelled). This section has been updated to reflect that Claims 1-22 have been cancelled without prejudice.

If any issues arise, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at ksmith@texaspatents.com.

Respectfully submitted,

Date: November 4, 2008

/Kevin L. Smith/

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C. Status of the Claims

Claims 1-22 have been cancelled without prejudice. Claims 23-32 are pending. Claims 23-32 stand rejected under 35 U.S.C. 103(a). Claims 23-32 are being appealed. The Section 103(a) rejections were made generally under either Reed or the proffered combination of Reed in view of Wakuta (*see* Final Office Action mailed February 5, 2008 [*hereinafter* Final Office Action]), namely that:

a. Claims 23-27 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,160,798, to Reed et al. (“Reed”).

b. Claims 28-32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Reed in view of U.S. Published Application No. 2005/0221828 to Wakuta et al. (“Wakuta”).